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November 17, 2004

TO**Examiner Creighton Smith****FAX: 703-872-9306****FROM****Charles Griggers****FAX: 770-951-0933****TEL:****TEL:****RE: Application No. 09/965,781**

(Message)

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INTERNATIONAL PATENT, TRADEMARK AND COPYRIGHT LAW AND RELATED LITIGATION

Huntsville, Alabama

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November 17, 2004

Examiner Creighton Smith
Art Unit: 3622

Re: Application No. 09/965,781

Examiner Smith:

Enclosed are some proposed amendments and arguments for responding to the final office action for Application No. 09/965,781 (with a possible request for continued examination). Please review the amendments/arguments for our telephone interview on November 17, 2004. Also, after the interview, please discard the proposed amendments/arguments, since they are for discussion purposes only.

Sincerely,

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, LLP**

Charles W. Griggers

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* FOR DISCUSSION PURPOSES ONLY *
* PLEASE DISCARD AFTER TELEPHONE INTERVIEW *

Proposed Amendment:

1. (Currently Amended) An apparatus for sending a message received from a sender to a ~~wireless device~~ over a wireless network, the apparatus comprising:
a gateway for receiving the message transmitted over an external network in communication with the gateway, the message including identification of a recipient of the message, a delivery instruction and delivery information indicating a time at which the message is to be delivered to the wireless device of the recipient, for storing the message, and for carrying out the delivery instruction by delivering the message at the time indicated by the delivery information;
wherein the delivery instruction and delivery information is set by the sender.

Proposed Argument:

In contrast, *Lazaridis* discloses a system for triggering the . . . redirection of user-selected data items stored on a user host system to a mobile data communication device of the user. Therefore, *Lazaridis* appears to disclose a system whereby messages that are received by a user can be redirected to another device of the user's. However, *Lazaridis* fails to disclose a system whereby messages that are sent by the user are capable of being redirected by the user. In other words, *Lazaridis* fails to disclose receiving a message and then delivering the message to a recipient identified in the message according to delivery instruction and delivery information.

Regarding *Nakata*, messages or parcels are sent over a physical delivery channels and not a wireless network. Further, a sender of a physical parcel does not specify a time at which the message is to be delivered. Rather, a sender can specify a "desired delivery date and time." Further, the recipient of the physical parcel appears to specify the delivery instructions that are followed. See, e.g., para. 8. ("Accordingly, a member registers his/her form of package receiving by him/her in advance. Thus he/she can receive the package in accordance with his schedule.")